

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER
of the NEW ENGLAND TEAMSTERS AND
TRUCKING INDUSTRY PENSION FUND,

Plaintiff,

v.

GUARDRAIL, INCORPORATED

Defendant

C.A. No. 05-11566 GAO

DECLARATION OF DAMAGES AND TAXABLE COSTS

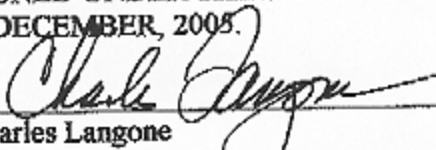
Charles Langone, being first duly sworn, deposes and says:

1. I am employed as the Fund Manager of the New England Teamsters and Trucking Industry Pension Fund (hereinafter the "Fund") located at One Wall Street, Burlington, MA 01803.
2. Guardrail, Incorporated is a contributing employer to the Fund pursuant to collective bargaining agreements with Teamsters Local Union 677 and the Fund's Agreement and Declaration of Trust.
3. In accordance with 29 U.S.C. §1132(g)(2), the Defendant owes to the Fund the following:
 - a. Delinquent contributions pursuant to a Fund payroll audit in the amount of \$14,087.85 for the period of January of 2002 through July 2005;
 - b. Underpayment of contributions based on an incorrect rate pursuant to the collective bargaining unit in the amount of \$529.13 and a late charge for December 2004 in the amount of \$14.70;

- c. Interest on the delinquent contributions in the amount of \$655.12 calculated at a rate of 5% per annum, compounded monthly, pursuant to the Fund's Agreement and Declaration of Trust;
- d. Liquidated damages in an amount equal to the greater of either the amount of interest (i.e. \$655.12) or liquidated damages of twenty percent (20%) of the principal (\$14,631.68). Consequently, Plaintiff is entitled to \$2,926.34;
- e. Reasonable attorneys fees and costs in the amount of \$1,554.00.

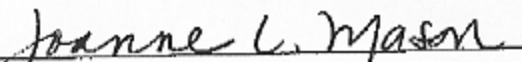
3. Based on the foregoing, the Defendant owes the Fund a total of \$19,767.14.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 7th
DAY OF DECEMBER, 2005.


Charles Langone

Then personally appeared before me Charles Langone, who under oath did swear that the above affidavit is true to the best of his knowledge and belief.

Joanne L. Mason
Notary Public
My Commission Expires
November 20, 2009


Notary Public
My commission expires:

